

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESTER LORUSSO,

Plaintiff,

-against-

ALITALIA-LINEE AEREE ITALIANE SpA,

Defendant.

**AMENDED NOTICE OF
REMOVAL**

Pursuant to 28 U.S.C. § 1446(a), defendant Alitalia Linee Aeree Italiane SpA (“Alitalia”), by its attorneys, Vedder, Price, Kaufman & Kammholz, P.C., hereby files this Notice of Removal of this action currently pending in the Supreme Court of New York, County of New York, and in support thereof, shows the Court as follows:

1. Alitalia desires to exercise its right under the provisions of Title 28 U.S.C. §§ 1441-1452 to remove this action from the Supreme Court of New York, County of New York, in which said cause is now pending under the same name and style as above, Index No. 104874 - 07.

2. On or after the 11th day of April, 2007, Alitalia first received a copy of the Summons and Complaint in the action described in paragraph 1, above. Pursuant to the provisions of 28 U.S.C. § 1446, defendants incorporate herein by reference said Summons and Complaint (“Complaint”), a copy of which is annexed hereto as Exhibit A. No further proceedings have been had in this action.

3. Although the Complaint does not specify the amount of damages sought, based on settlement discussions and formal mediation, plaintiff Ester Lorusso (“Plaintiff”) seeks

compensation for lost wages, benefits and other remuneration, compensatory damages, punitive damages and costs and attorneys fees, which, taken together, greatly exceed \$75,000.

4. Plaintiff is a citizen of New York (Complaint, ¶ 1). Although Alitalia is registered in New York as a foreign business corporation (Complaint, ¶ 2), its principal place of business is in Rome, Italy and it is incorporated under the laws of Italy. Thus Plaintiff's action expressly alleges a controversy between citizens of different states, and is therefore properly removable to this Court.

5. Based on the foregoing, this Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332, and thus, this action may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

6. The date on or before which Alitalia is required by the laws of the State of New York to answer or otherwise respond to Plaintiff's Complaint has not lapsed. Alitalia agreed to accept service of the Summons and Complaint herein on April 12, 2007. In accordance with the requirements of 28 U.S.C. § 1446(b), this Notice of Removal is filed within 30 days after the service of the Summons and Complaint on Alitalia.

7. Alitalia desires and is entitled to have this cause removed from the Supreme Court of New York, County of New York to the United States District Court for the Southern District of New York, such being the district where said suit is pending, on the condition that Alitalia will pay all costs and disbursements incurred by reason of these removal proceedings should it be determined that this cause was not removable or was improperly removed according to law.

8. Written notice of the filing of this Notice of Removal is being given to Plaintiff, through her counsel, as required by law. A true copy of this Notice of Removal is

being filed with the Clerk of the Supreme Court of New York, County of New York, as required by law.

WHEREFORE, Alitalia respectfully gives notice that the action brought by Ester Lorusso now pending against it in the Supreme Court of New York, County of New York, be removed therefrom to this Court and that this Court accept jurisdiction of this action, and henceforth that this action be placed on the docket of this Court for further proceedings as though this action had originally been filed and instituted in this Court.

Dated: May 9, 2007

Respectfully submitted,

VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.

By: 

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Attorneys for Defendant

Alitalia, Linee Aeree Italiane SpA